

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed May 22, 2002. In order to advance prosecution of this case, Applicants amend Claims 79, 80, 87, and 88. Applicants cancel Claims 1-78 without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Section 112 Rejections

The Office Action rejects Claims 8-9, 31, 33, 41-44, 66-67, 71, and 76 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have herewith cancelled Claims 8-9, 31, 33, 41-44, 66-67, 71, and 76, as described above, rendering this rejection moot. Applicants reserve its right to traverse the rejection and all notices and assertions therein upon submission of the same or similar claims.

Section 102 Rejections

The Office Action rejects Claims 1-9, 11-18, 20-21, 24-37, 79, 82-83, 87, 90-91, and 95-96 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,756,367 issued to Puri et al. ("*Puri*"). Applicants respectfully traverse this rejection and all notices and assertions therein.

Applicants have herewith cancelled Claims 1-9, 11-18, 20-21, and 24-37, as described above, rendering this rejection moot with respect to these claims.

Claim 79, as amended, is patentable over *Puri* for at least the reason that *Puri* does not teach all of the elements of Claim 79. *Puri* does not teach, at least, a "drainage pattern comprising a plurality of auxiliary drainage bores

extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore." Instead, *Puri* merely shows a plurality of vertical well bores. No bores extend from those vertical well bores. Therefore, Claim 79 and Claims 82-83 that depend therefrom are patentable over *Puri*.

Claim 87, as amended, is patentable over *Puri* for at least the reason that *Puri* does not teach all of the elements of Claim 87. As above, *Puri* does not teach a "drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore." Therefore, Claim 87 and Claims 90-91 and 95-96 that depend therefrom are patentable over *Puri*.

The Office Action rejects Claims 40-59, and 63-76 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,462,116 issued to Carroll ("*Carroll*"). Applicants have herewith cancelled Claims 40-59, and 63-76, as described above, rendering this rejection moot. Applicants reserve its right to traverse the rejection and all notices and assertions therein upon submission of the same or similar claims.

Section 103 Rejections

The Office Action rejects Claims 19, 86, and 94 under 35 U.S.C. § 103(a) as being unpatentable over *Puri*. Applicants respectfully traverse this rejection and all notices and assertions therein.

Applicants have herewith cancelled Claim 19, as described above, rendering this rejection moot with respect to this claim.

Claim 86 is patentable over *Puri* for at least the reason that *Puri* does not teach all of the elements of Claim 86. As

above, *Puri* does not teach a "drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore" as recited by Claim 86 through independent Claim 79.

Claim 94 is patentable over *Puri* for at least the reason that *Puri* does not teach all of the elements of Claim 94. As above, *Puri* does not teach a "drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore" as recited by Claim 94 through independent Claim 87.

The Office Action rejects Claims 22-23, 38-39, and 84-85 under 35 U.S.C. § 103(a) as being unpatentable over *Puri* in view of U.S. Patent No. 5,494,121 issued to Nackerud ("*Nackerud*"). Applicants respectfully traverse this rejection and all notices and assertions therein.

Applicants have herewith cancelled Claims 22-23 and 38-39, as described above, rendering this rejection moot with respect to these claims.

Claim 84 is patentable over *Puri* in view of *Nackerud* for at least the reason that *Puri* and *Nackerud*, alone or in combination, do not teach all of the elements of Claim 84. As above, *Puri* does not teach a "drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore" as recited by Claim 84 through independent Claim 79. *Nackerud* also does not teach or suggest this limitation.

The Office Action rejects Claims 61-62 and 77-78 under 35 U.S.C. § 103(a) as being unpatentable over *Carroll* in view of

Nackerud. Applicants respectfully traverse this rejection and all notices and assertions therein.

Applicants have herewith cancelled Claims 61-62 and 77-78, as described above, rendering this rejection moot.

The Office Action rejects Claims 79-81 and 87-89 under 35 U.S.C. § 103(a) as being unpatentable over *Puri* in view of U.S. Patent 5,785,133 issued to Murray et al. ("*Murray*"). Applicants respectfully traverse this rejection and all notices and assertions therein.

Independent Claims 79 and 87 are patentable over *Puri* in view of *Murray* for at least the reason that there is no motivation or teaching in either *Puri* or *Murray* to combine the system or method disclosed in *Puri* with that disclosed in *Murray*. Although *Puri* discloses production of gas and of water (e.g., col. 1, lines 50-55) through vertical wells, there is no suggestion in *Puri* as relied on by the Office Action that any other orientation or pattern of the individual wells would be advantageous. Similarly, although *Murray* discloses a horizontally extending portion of a well with a plurality of lateral boreholes (e.g., Figure 1), there is no suggestion in *Murray* as relied on by the Office Action of production from such a pattern of mixtures of gas and of water. For example, the Office Action has cited or provided no teaching of how water from the coal seam of *Puri* would be produced if the vertical wells are replaced with the pattern of *Murray* as indicated in the Office Action. Furthermore, as stated, the purpose of *Puri* is to reinject surplus gas in coal by converting some of the producers to injectors. See, *Puri* abstract. This functionality would be destroyed by replacing the vertical wells of *Puri* with single surface well pattern of *Murray* as relied on in the Office Action. Thus, Claims 79 and

87 and the claims that depend therefrom are patentable over *Puri* in view of *Murray*.

The Office Action rejects Claims 92 and 93 under 35 U.S.C. § 103(a) as being unpatentable over *Puri* in view of *Murray* and further in view of U.S. Patent 4,527,639 issued to Dickenson, III, et al. (*Dickenson*). Applicants respectfully traverse this rejection and all notices and assertions therein.

As above, there is no motivation or teaching in either *Puri* or *Murray* to combine the system or method disclosed in *Puri* with that disclosed in *Murray*. *Dickenson* does not supply the missing motivation. Therefore, for at least this reason, Claims 92 and 93 are patentable over *Puri* in view of *Murray* and further in view of *Dickenson*.

Double Patenting Rejection

The Office Action rejects Claims 1-39 and 79-96 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-14 of U.S. Patent No. 6,280,000.

Applicants have herewith cancelled Claims 1-39, as described above, rendering this rejection moot with respect to these claims.

With respect to Claims 79 - 96, Applicants respectfully request that this rejection be held in abeyance until allowance of these claims, at which time Applicant stands ready to file any appropriate terminal disclaimer.

Conclusions

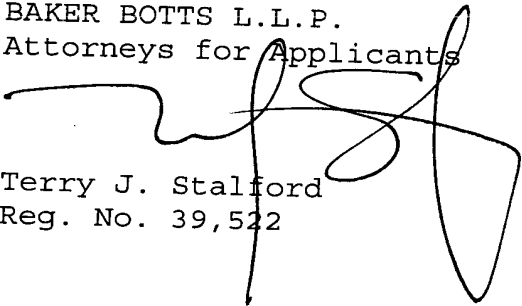
Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, Applicants hereby request a telephone conference with the Examiner and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

No fees are believed to be due, however, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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Marked-Up Version of Claim Amendments

For the convenience of the Examiner, all claims have been presented whether or not an amendment has been made. The claims have been amended as follows.

IN THE CLAIMS

Please amend the Claims as follows.

Please cancel Claim 1-78 without prejudice or disclaimer.

79. (Amended) A method for producing coal seam gas from a coal seam comprising:

forming a drainage pattern in a coal seam, the drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides of, a main drainage bore [an axis of the drainage pattern]; and

simultaneously producing water and coal seam gas from the coal seam through the drainage pattern.

80. (Amended) The method of Claim 79, wherein the [drainage pattern further comprises] a [central] main bore [from which the auxiliary drainage bores extend] is substantially horizontal.

81. The method of Claim 80, wherein the auxiliary drainage bores are generally symmetrically arranged on each side of the central bore.

82. The method of Claim 79, further comprising simultaneously producing water and coal seam gas from an area of the coal seam, the area having relatively equal length to width ratios.

83. The method of Claim 79, wherein the drainage pattern comprises a substantially horizontal pattern.

84. The method of Claim 79, further comprising forming an enlarged diameter cavity, the drainage pattern extending from the enlarged diameter cavity; and
simultaneously producing water and coal seam gas from the coal seam through the enlarged diameter cavity.

85. The method of Claim 84, wherein the enlarged diameter cavity comprises a diameter of approximately eight feet.

86. The method of Claim 79, wherein the auxiliary drainage bores are progressively shorter as they progress away from a surface well bore.

87. (Amended) A method for producing formation gas from a gas bearing formation, comprising:

forming a drainage pattern in a gas bearing formation, the drainage pattern comprising a plurality of auxiliary drainage bores extending from, and arranged in substantially equal and parallel spacing on opposite sides, a main drainage bore [of an axis of the drainage pattern]; and

simultaneously producing water and formation gas from the gas bearing formation.

88. (Amended) The method of Claim 87, wherein the [drainage pattern further comprises] a [central] main bore [from which the auxiliary drainage bores extend] is substantially horizontal.

89. The method of Claim 88, wherein the auxiliary drainage bores are generally symmetrically arranged on each side of the central bore.

90. The method of Claim 87, further comprising simultaneously producing water and formation gas from an area of the gas bearing formation, the area having relatively equal length to width ratios.

91. The method of Claim 87, wherein the drainage pattern comprises a substantially horizontal pattern.

92. The method of Claim 87, further comprising forming an enlarged diameter cavity, the drainage pattern extending from the enlarged diameter cavity; and

simultaneously producing water and formation gas from the gas bearing formation through the enlarged diameter cavity.

93. The method of Claim 92, wherein the enlarged diameter cavity comprises a diameter of approximately eight feet.

94. The method of Claim 87, wherein the auxiliary drainage bores are progressively shorter as they progress away from a surface well bore.

95. The method of Claim 87, wherein water and formation gas are produced from a substantially quadrilateral area of the gas bearing formation.

96. The method of Claim 87, wherein the drainage pattern provides substantially uniform coverage of an area of the gas bearing formation.